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And HAJI NAVROZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SCHNEIDER RUCINSKI ENTERPRISES, )  
a California corporation, )

Plaintiff, )

vs. )

TOUCH ASIA OUTSOURCING )  
SOLUTIONS, INC., et al., )

Defendants. )

Case No. 08-CV-0138 WQH POR

Complaint Filed: Jan. 23, 2008

**OPPOSITIONS TO PLAINTIFFS' THREE EX PARTE MOTIONS TO STRIKE**  
**ANSWER AND TO ENTER DEFAULT OF DEFENDANT COLO 6, LLC**

Defendant Colo 6, LLC, by its undersigned counsel, opposes the following ex parte motions filed by plaintiff Schneider Rucinski Enterprises:

1. Docket # 29 – “Plaintiff’s Request to Clerk for Motion to Strike Defendants Reply (Answer) and Entry of Default”;
2. Docket #35 – “Plaintiff’s Exparte Motion to Strike Defendants Reply (Answer) USColo, Colo 6 LLC”; and
3. Docket # 37 – “Planitiff’s Ex Parte Motion to an Order to Enter into Default on USColo dba UColo6 LLC”.

1 **A. Plaintiff Is Not Entitled To Proceed on an Ex Parte Basis Without Notice**


2 On February 21, 2008, Colo 6, LLC and Haji Navroz timely filed their joint Answer to  
3 the plaintiff's complaint and served a copy on the plaintiff. Under FRCivP 5 and the Court's  
4 local rules, defendants are parties to the action, entitled to notice of motions like any other party.  
5 The papers filed by plaintiff under Docket Nos. 29, 35 and 37 are all ex parte without notice.  
6 The undersigned became aware of Docket Nos. 35 and 37 only by reviewing the docket entries  
7 online on PACER. Plaintiff offers no grounds for proceeding on an ex parte basis without notice  
8 against parties to the action. The ex parte motions should be denied on the grounds that plaintiff  
9 has no grounds for proceeding ex parte without notice.

10 **B. Colo 6 LLC Is Represented by Counsel**

11 Docket Nos. 29, 35 and 37 are based on the argument that the Answer of Colo 6, LLC  
12 should be stricken because it was signed by a managing member rather than an attorney for the  
13 entity. The undersigned represents Colo 6, LLC and is filing today a notice of appearance and  
14 motion for leave to file amended answer on behalf Colo 6, LLC. The plaintiff's argument is  
15 addressed by the entry of counsel's appearance for the entity. No prejudice will result to plaintiff  
16 by entry of counsel's appearance.

17 It is therefore respectfully requested that the relief requested in Docket Nos. 29, 35 and  
18 37 be denied and that the Court award all other appropriate relief.

19 DATED: April 16, 2008

20   
21 MARK WRAY  
22 Attorney for Defendants COLO 6, LLC and  
23 HAJI NAVROZ  
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CERTIFICATE OF SERVICE

The undersigned employee of the Law Offices of Mark Wray certifies pursuant to FRCivP 5 that a true copy of the foregoing document was sealed in an envelope with first class U.S. Postage prepaid thereon and deposited in the U.S. Mail at Reno, Nevada on April 16, 2008 addressed to the following:

Noreen Rucinski  
Dir. Strategic Business Development  
Schneider Rucinski Enterprises  
3344 N. Mt. View Dr.  
San Diego, CA 92116

John E. McCosker  
Waller Lansden Dortch & Davis, LLP  
333 S. Grand Ave., Suite 1800  
Los Angeles, CA 90071

A handwritten signature in cursive script, appearing to read "Mark Wray", is written over a horizontal line.